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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,800	01/26/2004	Marcus F. Fontoura	SVL920030118US1	9771
47069	7590	06/29/2006	EXAMINER	
KONRAD RAYNES & VICTOR, LLP ATTN: IBM54 315 SOUTH BEVERLY DRIVE, SUITE 210 BEVERLY HILLS, CA 90212			ALI, MOHAMMAD	
			ART UNIT	PAPER NUMBER
			2166	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/764,800	FONTOURA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mohammad Ali	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 26 January 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-30 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/05, 4/04.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## **DETAILED ACTION**

1. This communication is in response to the application filed on 1/26/04.

The application has been examined and claims 1-30 are pending in this office action.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-30 the claimed invention is directed to non-statutory subject matter.

Computer program is used in a computerized process where the computer executes the instructions set forth in the computer program. Claimed invention taken as a whole is directed to a mere program listing, i.e., to only its description or expression, is it descriptive material per se and hence nonstatutory.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-30 are rejected under 35 U.S.C. 102(a) as being anticipated by Charles G. Call ('Call' hereinafter), USPgPub 2002/0165707.

With respect to claim 1,

Call teaches a method for indexing data (para. 0069), comprising:

receiving a token (see para. 0042, Call);

determining whether a data field associated with the token is a fixed width (see para. 0103, Call);

when the data field is a fixed width (see para. 0103, Call), designating the token as one for which fixed width sort is to be performed (see para. 0069, Call); and

when the data field is a variable length (see para. 0010, Call), designating the token as one for which a variable width sort is to be performed (see para. 0103, Call).

As to claim 2,

Call teaches wherein the token is variable width and further comprising:

transforming the variable width token into a fixed width token (see paras. 0076, 0130, Call).

As to claim 3,

Call teaches performing a fixed width sort on one of dual code paths and a variable width sort on the other of dual code paths (see paras. 0038, 0039, Call).

As to claim 4,

Call teaches generating a sort key that includes a token type, a token, a document identifier, a document section, and an offset in a document (see para. 0103 et seq., Call).

As to claim 5,

Call teaches receiving different sections of a document at different times (see para. 0013, Call).

As to claim 6,

Call teaches wherein the different sections include a context section and an anchor text section (see para. 0025, Call).

As to claim 7,

Call teaches generating sort keys for each token of multiple tokens (see para. 0069, Call); and

using the sort keys to create posting lists that simultaneously are ordered by token and by document identifier for each token (see para. 0060, Call).

As to claim 8,

Call teaches using the sort keys to bring together multiple sections of a document (see para. 0013, Call).

As to claim 9,

Call teaches sorting on certain bits of a sort key containing multiple bits (see para. 0104, Call).

As to claim 10,

Call teaches sorting on uppermost bits of the sort key (see para. 0103, Call).

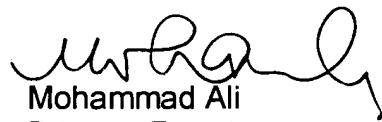
Claims 11-30 have the same subject matter as of claims 1-10 and essentially rejected for the same reasons as discussed above.

***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4105. The examiner can normally be reached on Monday-Thursday (7:30 am-6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mohammad Ali  
Primary Examiner  
Art Unit 2166

MA  
June 23, 2006